

**Notice of Allowability**

Application No.

09/629,339

Examiner

Son P Huynh

Applicant(s)

KINEMURA, HIROSHI

Art Unit

2611

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 10/4/04 and 1/6/05.
2. ☒ The allowed claim(s) is/are 14-17 have been renumbered as 1-4 respectively.
3. ☒ The drawings filed on 01 August 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
HAT TRAN  
PRIMARY EXAMINER

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney William J. Daley (Reg. 35,487) on March 4, 2005.

The application has been amended as follows:

Claim 14 (Currently Amended) A cable modem comprising:

a cable modem proper that is configured so as to be connected by way of a coaxial cable to a CATV network;

an expansion unit being configured so as to have a wireless LAN function that permits communication with an information-processing terminal on a wireless basis;

a connecting member that removably couples the cable modem proper and the expansion unit together by use of a plug and a connector; and

wherein the cable modem proper is further configured so as to measure a BER (bit error rate) on the wireless network side, and to check whether or not [the] a

Art Unit: 2611

measured BER value is equal to or greater than a first threshold value, and if the measured BER value is less than the first threshold value, the cable modem proper feeds a signal to an output level adjuster of the expansion unit which signal instructs [it] the output level adjuster of the expansion unit to decrease [the] its output level through the connecting member and set [the] its data transfer rate at a maximum value, then the cable modem proper restarts to measure the BER on the wireless network side;

and if measured BER value is equal to or greater than the first threshold value, the cable modem proper compares the measured BER value with a second threshold value that is greater than the first threshold value, and if the measured BER value is smaller than the second threshold value, the cable modem proper ends its operation without changing the output level;

and if the measured BER value is equal to or greater than the second threshold value, the cable modem proper checks whether or not the output level is at the maximum value;

and if the output level is not at the maximum value, the cable modem proper feeds a signal to the output level adjuster of the expansion unit which signal instructs [it] the output level adjuster of the expansion unit to increase [the] its output level through the connecting member and set [the] its data transfer rate at a maximum value, and then the cable modem proper restarts to measure the BER on the wireless network side;

and if the output level is at the maximum value, the cable modem proper measures the BER on the wireless network side again, and compares the BER

Art Unit: 2611

measured in such a manner with said second threshold value, and the cable modem proper ends its operation without changing the output level if the measured BER value is less than the second threshold value;

and if the measured BER value is equal to or greater than the second threshold value, the cable modem proper checks whether or not [the] a measured data transfer rate is at a minimum value, and the cable modem proper ends its operation if the measured data transfer rate is at the minimum value;

and if the measured data transfer rate is not at the minimum value, the cable modem proper feeds a signal to an output level adjuster of the expansion unit which signal instructs [it] the output level adjuster of the expansion unit to decrease [the] its data transfer rate through connecting member, and measures the BER on the wireless network side again, so that an adjustment of the output level and the data transfer rate of the expansion unit is achieve.

***Allowable Subject Matter***

2. Claims 14-17 are allowed.
3. The following is an examiner's statement of reasons for allowance:

Regarding claim 14, the prior art of record fails to show or fairly suggest a cable modem as set forth in the claim where the cable modem proper is further configured to measure

Art Unit: 2611

a BER (bit error rate), to compare the measured BER value with the first threshold level and second threshold level, and based on the comparison to instruct the output level adjuster to adjust its output level and set its data transfer rate at a predetermined value as various claimed in lines 8-41 of claim 14. The closest prior art, US Patent US 6,259,891 to Allen shows (figure 2-3) a cable modem comprises a cable modem, an expansion unit, a connecting member, but lacks the specific elements of lines 8-41 of claim 14."

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SPH  
March 4, 2005

A handwritten signature in black ink, appearing to read 'Hai Tran', with a long horizontal flourish underneath.

**HAI TRAN**  
**PRIMARY EXAMINER**